

Remarks/Arguments

A summary of the interview conducted on 06/06/05 is enclosed. Applicant also notes that the Brankley et al. reference also teaches a system wherein each communications device has a separate seven-digit telephone number (see col. 4, lines 15-24; col. 5, lines 58-60) by which it is also reachable.

As suggested by the Examiner, the factual information was cancelled from the claims that contained such information, though claim 50. The typographical error noted in claim 1 was corrected when this factual information was transferred to the specification. The factual information that was transferred from the claims (as amended) to the specification describes necessary consequences of practicing preferred embodiments of the invention. Thus, the claims that were amended for this reason were not amended for a reason of patentability.

Independent claims 1, 10, 15 and 24 were amended to add a limitation making it clear that communications devices operating in accordance with the applicant's invention are reachable only by dialing the common 7-digit telephone number assigned to the subscriber or a combination that includes that number and not by dialing any other common 7-digit telephone number (directory number). Such amendments were added to these claims to clarify this fact and not for a reason of patentability because other limitations of the claims render the claims patentable for the reasons discussed in the interview. Independent claims 35, 42, 50, 58, 59 and

60 already contained such a limitation. This aspect of the invention is what allows it to achieve the calculated results disclosed.

Claims 10, 15, 35, 42, 49 and 58 were amended to remove the limitation about determining the type of communications device or type of communication. This amendment is not for a reason of patentability, but rather to render the claims broader in scope. Claims 24 and 50 still contain the limitation.

Claim 57 was amended to correct the typographical error noted by the Examiner. Claims 51-57 still contain factual information. The claims that depend from claim 50 are patentable in part because claim 50 is patentable. The calculated numbers that are used to express the consequences of the claimed invention can be calculated by one of ordinary skill in the art (to whom the applicant's invention was disclosed) and are not new matter.

New claims 59 and 60 recite the invention in new ways, but rely on similar limitations to those contained in the other claims to render them patentable. The subject matter of the new claims is supported by the application as filed.

Although the applicant is under the impression that the patentability of the claims has been resolved, he submits the following arguments just in case. Claims 1-4, 10-15, 35, 38-41 and 49-58 stand rejected under U.S.C. 103(a) as being unpatentable over the Catron et al. reference in combination with the Examiner's official notices. As discussed in the interview,

these rejections are inappropriate because the applicant's invention is nonobviously different from the invention described in the Catron et al. reference.

MPEP 2144.03 requires that "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." That is not the case here because the factual results produced by the applicant's invention are not produced by any system in the prior art. As required by the rules, applicant must therefore request that the Examiner "provide documentary evidence in the next Office action if the rejection is to be maintained" as called for by MPEP 2144.03.

Claims 36-37 and 42-48 stand rejected under U.S.C. 103(a) as being unpatentable over the Catron et al. reference in view of the Brankley et al. reference. The applicant respectfully disagrees with these rejections for the reason that the Catron et al reference and the Brankely et al. reference teach systems that operate on principles different from that of the applicant's invention, as discussed in our interview, because both of the references rely on every specific communications device being reachable by a separate common 7-digit telephone number. The combination proposed by an Examiner would change the principle of operation of the primary reference or render the reference inoperable for its intended purpose, which is not allowed by MPEP 2143.01. Thus, there is no motivation to combine the references as suggested by the Examiner because such a combination of components or process steps would be inoperable.

The applicant respectfully requests that the application be allowed in a timely manner. If the Examiner wishes to discuss the case, a call to 808-885-4194 is encouraged. The time here is six hours earlier than the east coast this time of year.

A Credit Card payment form is enclosed.

Respectfully submitted,

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06/13/05

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